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Jeff S. Jordan
Supervisory Attorney
Complaint Examination & Legal Administration
Federal Election Commission
Washington, D.C. 20463

RE: Jamie Fields MRU 6465

Dear Mr. Jordan:

FEDERAL ELECTION
COMMISSION

2011 MAY 26 AM 6: 52

OFFICE OF GENERAL

On behalf of Jamie Fields, I write to urge the Federal Election Commission to dismiss administrative complaint MRU 6465 filed against Mrs. Fields by Citizens for Responsibility and Ethics in Washington. The sole allegation against Mrs. Fields concerns a campaign contribution made on April 28, 2006 to Straight Talk America. The statute of limitations is five years. Any action against Mrs. Fields is time-barred.

The Federal Election Campaign Act ("FECA") does not contain a specific statute of limitation. The omnibus five-year statute of limitation codified in 28 U.S.C. § 2462 applies to actions brought under the FECA. See Fed. Elections Comm'n v. Williams, 104 F.3d 237 (9th Cir. 1996), citing Fed. Elections Comm'n v. Nat'l Republican Senatorial Comm., 877 F.Supp. 15 (D.D.C.1995), and Fed. Elections Comm'n v. Nat'l Right to Work Comm., Inc., 916 F.Supp. 10 (D.D.C.1996).

The cause of action accrues on the date of the alleged improper contribution. Williams, 104 F.3d 237 at ¶ 17 ("[28] § 2462 applies to FEC actions for the assessment of civil penalties, and that the limitations period begins to run at the time the alleged offense is committed"); Fed. Election Comm'n v. Christian Coal., 965 F. Supp. 66, 70 (D.D.C. 1997) ("the FEC's cause of action accrued when the events at issue occurred").

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MRU 6465 alleges that Jamie Fields, the spouse of a Fiesta Bowl employee, made an improper contribution on April 28, 2006. Under the settled authority cited above, any cause of action against Mrs. Fields accrued on that date. The five-year statute of limitation proscribed in 28 U.S.C. § 2462 expired on April 28, 2011.

This administrative complaint does not toll the statute of limitation. See Nat'l Republican Senatorial Comm., 877 F.Supp. at 20 ("notice of the FEC investigation was insufficient to toll the statute of limitations").

The complaint against Mrs. Fields should be dismissed because the five-year statute of limitation passed on April 28, 2011.

Robert E. Pastor

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cc: Jamie Fields